

United States Bankruptcy Court for the Northern District of Ohio**Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines**

A Chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on May 29, 2013. You may be a creditor of the debtor. **This notice lists important deadlines and explanations of your rights and duties.** Please read both sides of this notice.

Case Information**Case Number:** 13-51566-mss**Debtor(s):**

Philip G. Smith
56 Waldorf Drive
Akron, OH 44313

Desiree L. Smith
56 Waldorf Drive
Akron, OH 44313

Other names used by the Debtor(s) in the last 8 years:**Last Four Digits of Debtor's Social Security Number or Individual Taxpayer ID Number (ITIN)/Complete EIN:**

xxx-xx-6161

xxx-xx-6407

Attorney for Debtor:

Charles J Van Ness
6181 Mayfield Road
Suite 104
Mayfield Heights, OH 44124
Telephone number: 440-461-4433

Bankruptcy Trustee:

Kathryn A Belfance
Akron
1 Cascade Plaza
15th Floor
Akron, OH 44308
Telephone number: (330) 434-3000

Meeting of Creditors

All debtors **must** bring the following proofs of identification to the meeting of creditors:

- Valid, unexpired photo identification (driver's license, state ID, employee ID, etc.). If the case is a joint filing, both debtors must have identification; AND
- Proof of social security number. Government- or employer-issued documentation, such as social security card, IRS tax transcript, W-2, or 1099, is acceptable proof.

Date: July 23, 2013**Time:** 01:00 PM**Location:** First Energy Building, Atrium Level #120, 76 S Main St, Akron, OH 44308

Presumption of Abuse under 11 U.S.C. § 707(b)
See "Presumption of Abuse" on the other side of this notice.

The presumption of abuse does not arise.

Deadlines

*Papers must be **received** by the bankruptcy clerk's office by the stated deadline.*

Deadline to File a Proof of Claim: *Please do not file a proof of claim unless you receive a notice to do so.*

Deadline to Object to Debtor's Discharge or to Challenge the Dischargeability of Certain Debts: September 23, 2013

Deadline to Object to Exemptions: 30 days after the *conclusion* of the meeting of creditors.

Address of the Bankruptcy Court Clerk's Office:

455 John F. Seiberling Federal Building
US Courthouse
2 South Main Street
Akron, OH 44308

For the Court:

Clerk of the Bankruptcy Court:
Kenneth J. Hirz

Date: June 3, 2013

Refer to Other Side of this Notice for Important Explanations

EXPLANATIONS

Filing of Chapter 7 Bankruptcy Case:

A bankruptcy case under Chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the other side of this notice, and an order for relief has been entered.

Creditors Generally May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor, the debtor's property, and certain codebtors. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Prohibited collection actions against the debtor and certain codebtors are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages.

Presumption of Abuse:

If the presumption of abuse arises, creditors have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.

Meeting of Creditors:

A meeting of creditors is scheduled for the date, time, and location listed on the other side of this notice. *The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.* Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date specified in a notice filed with the court.

Claims:

There does not appear to be any property available to the trustee to pay creditors. *Therefore, you should not file a Proof of Claim at this time.* If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a Proof of Claim, and telling you the deadline for filing your Proof of Claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.

Do not include this notice with any proof of claim or other filing you submit to the court.

Discharge of Debts:

The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 727(a), *or* that a debt owed to you is not dischargeable under Bankruptcy Code § 523(a)(2), (4), or (6), you must start a lawsuit by filing a complaint — or a motion if you assert the discharge should be denied under § 727(a)(8) or (a)(9) — in the bankruptcy clerk's office by the "Deadline to Object to Debtor's Discharge or to Challenge the Dischargeability of Certain Debts" listed on the other side of this notice. The bankruptcy clerk's office must receive the motion or complaint and any required filing fee by that deadline.

Exempt Property:

The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect the list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the other side of this notice.

Bankruptcy Clerk's Office:

Any paper that you file in this bankruptcy case must be filed at the bankruptcy clerk's office at the address listed on the other side of this notice. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office. The clerk's office is open Monday through Friday from 9:00 AM to 4:00 PM, except on federal holidays. Additional information can be found on the court's website at www.ohnb.uscourts.gov, including Forms, Local Bankruptcy Rules, Administrative and General Orders, Judges' Hearing Dockets, the United States Code, and the Federal Rules of Bankruptcy Procedure.

Legal Advice:

The staff of the bankruptcy clerk's office is not permitted to give legal advice. You may want to consult an attorney to determine your rights in this case. If you are a creditor with a foreign address, you should consult with a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.

Refer to Other Side of this Notice for Important Deadlines and Notices